

REMARKS

Claims 1-20 are pending; claims 17-20 are withdrawn; claims 1-8 are rejected; and claims 9-16 are allowed. Claim 1 is amended and claims 2-6 are cancelled hereby.

Responsive to the rejection of claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,994,094 (Hester), U.S. Patent No. 2,598,141 (Simpson), U.S. Patent No. 2,637,049 (Kromer et al. '049) or U.S. Patent No. 2,454,463 (Kromer et al. '463), Applicant has amended claim 1 and cancelled claims 2 and 3, and submits that claims 1 and 8 are now in condition for allowance.

Hester discloses a bed covering (Figs. 1-3) for a mattress 10. A sheet 11 has a pair of opposed side portions 12 and 14 and a pair of opposed end portions 16 and 18. Side portions 12 and 14 are joined to end portions 16 and 18, either by seaming or being formed integrally to form corners 20, 22, 24 and 26. Four triangular retaining members 28, 30, 32 and 34 are joined to an unsecured edge of end portions 16 or 18, and the unsecured edge of side portion 12 or 14. These retaining members are of woven fabric and can be formed by doubling the square of material cut from the sheet blank in forming corners 20, 22, 24 and 26 (column 2, lines 30-54).

Simpson discloses a bed sheet (Figs. 1-6) including a central rectangular top portion 11, which is adapted to cover the top of a mattress. Rectangular portion 11 is outlined by dotted lines 12 at each end and dotted line 13 at each side, which form end panels 14 and side panels 15. Dotted lines 11 extend past dotted lines 13 and become fold lines 12a. End panels 14 are cut from their free edges along lines 16 to dotted lines 12, thereby forming edges 16a and 16b. After lines 16 have been cut, additional lines 17 are cut from the inner ends of the lines of cut 16 to near the corners of blank 10, thus forming edges 17a and 17b, and thereby also forming a triangular tab 20. Triangular tab 20 is joined by a small portion 18 of the cloth to another triangular tab 21, whose

fold line is along line 12a. Edge 16a of tab 20 is seamed to the outer side of side panel 15 by way of a line of stitches 32 (column 2, lines 7-49).

Kromer et al. '049 disclose a sheet 10 (Figs. 1-10) including an oblong blank 11 having material 30 cut from each corner 17. Material 30 is cut along line 31 to form square 32, as shown in Fig. 4. Square 32 is folded on itself along diagonal line 33 to form triangular shaped member 34. Triangular shaped member 34 has parallel open edges 35 and 36 at right angles to parallel open edges 37 and 38 and a closed diagonal edge 39. Triangular member 34 is positioned so that its open edges 35 and 36 are in contact with outer edge 18 and sewed together so that its open edges 37 and 38 are in contact with and sewed to longitudinal edge 21 (column 1, line 47 through column 2, line 25).

Kromer et al. '463 disclose a baby safety sheet 10 (Figs. 1-5) including a body portion 12, end portions 13 and 14 and side portions 15 and 16. Each of end portions 13 and 14 have opposite longitudinal outer edges 20 parallel to longitudinal edges 21 of side portions 15 and 16. A triangular portion 23 is bent or folded inwardly on line 24 and the balance of outer edge 20 is sewed to longitudinal edge 21. This forms pocket 25 having side walls 26 and bottom anchoring portion 27 (column 1, line 37 through column 2, line 15).

In contrast, claim 1 as amended, recites in part:

said first edge of said triangular fabric portion having a length of between approximately 22% and approximately 32% of said width of said rectangular piece of fabric, said second edge of said triangular fabric portion having a length of between approximately 22% and approximately 32% of said length of said rectangular piece of fabric.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hester, Simpson, Kromer et al. '049, Kromer et al. '463 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Hester discloses a bed covering for a mattress having corner retaining members formed by doubling the square of material cut from the sheet blank and forming corners 20, 22, 24 and 26. Simpson discloses a bed sheet having corners formed from portions cut from the corners of blank 10. Kromer et al. '049 discloses a sheet including a triangular shaped member formed from a square that is formed from material cut from each corner. Kromer et al. '463 discloses a baby safety sheet having a triangular portion that is bent or folded inwardly and sewed along a longitudinal edge. Each of the cited references disclose the use of the portion of a flat sheet that is cut forming a square or triangular portion from a corner of the sheet, none of the references include triangular fabric portions having the length of each of the two sides being between 22% and 32% of an associated edge. Each of the cited references illustrate triangular portions having basically two equal length sides. In contrast, Applicants invention includes edges that are sized as a portion of their respective width or length of the rectangular piece of fabric. It is a selection of triangular portions of fabric within the stated ranges that provide for superior retention on the mattress, which is not disclosed by the cited references. Therefore, Hester, Simpson, Kromer et al. '049, Kromer et al. '463 and any of the other cited references alone or in combination fail to teach, disclose or suggest a first edge of a triangular fabric portion having a length of between approximately 22% and approximately 32% of the width of the rectangular piece of fabric and a second edge of the triangular fabric portion having a length of between approximately 22% and approximately 32% of the length of the rectangular piece of fabric, as recited in amended claim 1.

Advantageously, Applicants invention optimizes the size of corners utilized in a fitted sheet to provide superior retention of the sheet on a mattress. This is particularly useful in hospital situations in which the mattresses may often be subjected to severe orienting, because of

a mechanically inclined or reclined bed. For the foregoing reasons, Applicant submits that claim 1, and claim 8 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 4-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hester, Simpson, Kromer et al. '049 and Kromer et al. '463. However, claims 4-6 have been cancelled and claim 7 depends from claim 1, which is in condition for allowance for the reasons given above.

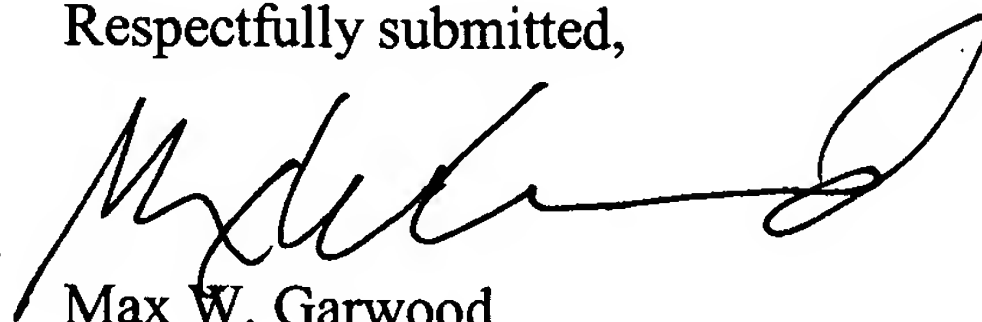
The Examiner has indicated that claims 9-16 are allowed, for which the Applicant thanks the Examiner.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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Date